

### **AMENDMENTS TO THE DRAWINGS**

Applicants respectfully submit the accompanying 80 Replacement Drawing Sheets to replace Drawing Sheets 1-80 presently of record in the Application, which contain all of Figures 1a – 63. Applicants are submitting the 80 Replacement Drawing Sheets on their own initiative, and not in response to any requirement by the Office. Applicants respectfully submit that no substantive amendments have been made to the figures, that the accompanying 80 Replacement Drawing Sheets are in compliance with 37 C.F.R. §1.84 and 37 C.F.R. §1.121(d), and that the accompanying 80 Replacement Drawing Sheets do not add new matter.

In addition, Applicants respectfully submit one New Drawing Sheet containing FIG. 56C. Applicants respectfully submit that no new matter is added by FIG. 56C, and that the new drawing sheet containing FIG. 56C is in compliance with 37 C.F.R. §1.84 and 37 C.F.R. §1.121(d).

Attachment: 80 Replacement Drawing Sheets and one (1) New Drawing Sheet

## **REMARKS**

Claims 22-39, 41-68, and 70-79 are pending in the Application. Claims 22-39, 41-68, and 70-79 have been rejected in the Office action mailed April 26, 2010. Claims 22, 45, 54, 81, 83, and 85 are amended and claims 80, 82, and 84 are cancelled by this response. Claims 22, 45, and 54 are independent claims, from which claims 23-39, 41-44, 74, 77, and 81, claims 46-53, 75, 78, and 83, and claims 55-68, 70-73, 76, 79, and 85 depend, respectively.

Applicants respectfully request reconsideration of claims 22-39, 41-68, and 70-79, 81, 83, and 85, in light of the remarks set forth below.

Initially, the Applicants note that a goal of patent examination is to provide a prompt and complete examination of a patent application.

It is **essential** that patent applicants obtain a prompt yet complete examination of their applications. Under the principles of compact prosecution, each claim should be reviewed for compliance with every statutory requirement for patentability in the initial review of the application, even if one or more claims are found to be deficient with respect to some statutory requirement. Thus, USPTO personnel should state all reasons and bases for rejecting claims in the first Office action. Deficiencies should be explained clearly, particularly when they serve as a basis for a rejection. Whenever practicable, USPTO personnel should indicate how rejections may be overcome and how problems may be resolved. **A failure to follow this approach can lead to unnecessary delays in the prosecution of the application.**

M.P.E.P. § 2106(II) (emphasis added).

As such, the Applicants assume, based on the goals of patent examination noted above, that the current Office Action sets forth “all reasons and bases” for rejecting the claims.

## **Objections to Drawings**

The drawings were objected to under 37 C.F.R. §1.83(a). Applicants hereby submit new FIG. 56C and request that FIG. 56C be entered in the Application.

Applicants respectfully submit that FIG. 56C illustrates a method of determining a group identifier, including monitoring a voice stream, as claimed. Applicants respectfully submit that FIG. 56C merely conforms the drawings to the Specification, that support for FIG. 56C may be found, for example, at page 280-282 of the Application, and that FIG. 56C does not add new matter. Applicants respectfully submit that the objection to the drawings is overcome, and request that the objection to the drawings be reconsidered and withdrawn.

### **Amendments to the Drawings**

Applicants hereby respectfully submit the accompanying 80 Replacement Drawing Sheets to replace Drawing Sheets 1-80 presently of record, which contain all of Figures 1a – 63 in the Application. Applicants are submitting the 80 Replacement Drawing Sheets on their own initiative, and not in response to any requirement by the Office. Applicants respectfully submit that no substantive amendments have been made to the figures, that the accompanying 80 Replacement Drawing Sheets are in compliance with 37 C.F.R. §1.84 and 37 C.F.R. §1.121(d), and that the accompanying 80 Replacement Drawing Sheets do not add new matter.

As discussed above, Applicants are hereby submitting one New Drawing Sheet containing FIG. 56C. Applicants respectfully submit that no new matter is added by FIG. 56C, and that the new drawing sheet containing FIG. 56C is in compliance with 37 C.F.R. §1.84 and 37 C.F.R. §1.121(d).

### **Rejections of Claims**

Claims 22, 45, and 54 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hoppal, *et al.* (US 5, 737,331, hereinafter “Hoppal”) in view of in view of Kudo, *et al.* (US 5,148,429, hereinafter “Kudo”). Claims 23, 24, 26, 30, 41, 49, 55, 56, 59, and 70 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hoppal in view of Kudo, and further in view of Bertland (US 5,596,573). Claims 42-44 and 71-73 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hoppal in view of Kudo, and further in view of Hayata (US 5,553,192). Claims 25, 31, 32, 36, 47, 48, 50, 60, 61, and 65 stand rejected under 35 U.S.C. §103(a) as being

unpatentable over Hoppal in view of Kudo and Bertland, and further in view of Dinkins (US 5,678,172). Claims 27, 28, 57, and 58 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hoppal in view of Kudo, in further view of Bergman (US 4,866,704). Claim 29 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Hoppal, Kudo, and Bergman, in further view of Drynan, *et al.* (US 4,617,657, hereinafter "Drynan"). Claims 34, 35, 63, and 64 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hoppal in view of Kudo, and further in view of Averbuch (US 5,268,933). Claims 33, 46, and 62 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hoppal in view of Kudo, and further in view of Smith, *et al.* (US 5,796,772, hereinafter "Smith"). Claims 37-39, 51-53, and 66-68 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hoppal in view of Kudo, and further in view of Stein (US 5,628,055). Claims 74-79 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hoppal in view of Kudo, and further in view of Li, *et al.* (US 5,617,423, hereinafter "Li"). Claims 80-85 stand rejected under 35 U.S.C. §103(a) over Hoppal and Kudo, in further view of Haoui. Applicants respectfully traverse the rejections.

Applicants respectfully note that all of pending claims 22-39, 41-68, and 70-85 are rejected based on Hoppal and Kudo, in various combinations with other references, as allegedly being obvious. Applicants first review requirements for a rejection based on obviousness.

According to M.P.E.P. §2142, "[t]he examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness." M.P.E.P. §2142 further states that "[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious." As recognized in M.P.E.P. §2142, "[t]he Supreme Court in *KSR International Co. v. Teleflex Inc.*, 127 S. Ct. 1727 (2007), 82 USPQ2d 1385, 1396 noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit." In addition, the Federal Circuit has made clear that "rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal

conclusion of obviousness.” *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). See also *KSR*, 127 S. Ct. 1727 (2007), 82 USPQ2d at 1396.

Also as noted in the Manual of Patent Examining Procedure, “[t]o establish *prima facie* obviousness of a claimed invention, **all the claim limitations** must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).” See MPEP at 2143.03. Further, “[**all words in a claim** must be considered in judging the patentability of that claim against the prior art.’ *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA).” See *id.*

Thus, the law is clear that words of a claim cannot be merely disregarded during examination. Instead, all the words in a claim must be considered during the examination process.

Applicants respectfully submit that the Office action has failed to establish a *prima facie* case of obviousness, in accordance with M.P.E.P. §2142. Applicants respectfully submit that the pending claims are allowable over the proposed combinations of references for the reasons set forth during prosecution, and those that follow.

#### **I. The Proposed Combination Of Hoppal And Kudo Does Not Render Claims 22, 45, And 54 Unpatentable**

Claims 22, 45, and 54 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hoppal in view of in view of Kudo. Applicants respectfully traverse the rejection.

With regard to Applicants’ independent claim 22, Applicants respectfully submit that claim 22 has been amended to include aspects of its dependent claim 80, so that claim 22 now recites “[a] phone supporting voice communication via a wireless packet network, the phone comprising: at least one processor for processing outgoing digital voice data converted from a first voice stream to produce packets for transmission via the wireless packet network; the at least one processor operably coupled to a radio transmitter for transmitting the packets via the wireless packet network, wherein the outgoing digital voice data is transmitted redundantly over the wireless packet network;

the at least one processor operably coupled to a radio receiver for receiving packets via the wireless packet network; the at least one processor for selectively processing the packets received via the wireless packet network to produce incoming digital voice data for conversion to a second voice stream; wherein the phone supports concurrent, bidirectional voice communication; and wherein the at least one processor monitors the first voice stream for a lack of speech for a minimum period of time.” Claims 45 and 54 now recite similar features. Applicants respectfully submit that the cited art does not teach, suggest, or disclose all aspects of Applicants’ amended claims 22, 45, and 54.

**With regard to the aspects of claim 80 now recited by independent claim 22,** Applicants respectfully submit that claim 22 now recites, in part, “wherein the outgoing digital voice data is transmitted redundantly over the wireless packet network.” Applicants respectfully submit that the proposed combination of art does not teach, suggest, or disclose all aspects of claim 22.

The rejection of claim 80 appears at page 15 of the Office action, which states:

40. Re claim 80 (of claim 22), claim 82 (of claim 45), and claim 84 (of claim 54), the prior art teaches transmitting digital voice data over a wireless packet network. The prior art does not specifically teach that the data is transmitted redundantly within 2 or more successive transmissions. However, Haoui teaches that the outgoing digital voice data (digitally encoded speech signals, Haoui et al. abstract) is transmitted redundantly (CRC and FEC, Haoui et al. c7 65-14) within two or more successive transmissions (data is interleaved over two time slots, Haoui et al. c8 7-10) over the wireless packet network (Haoui et al. Fig. 2).

Haoui is analogous to the prior art, because Haoui also teaches digitally encoded speech. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to redundantly transmit voice data over 2 or more successive transmission (by Haoui) in a wireless packet network (by prior art) in order to “protect the encoded speech signals during transmission” (Haoui et al. abstract).

41. Re claim 81 (of claim 80), claim 83 (of claim 82), and claim 85 (of claim 84), Haoui further teaches that outgoing digital voice data (digitally encoded speech signals, Haoui et al. abstract) is transmitted redundantly (CRC and

FEC, Haoui et al. c7 65-14) within two or more successive transmissions (data is interleaved over two time slots, Haoui et al. c8 7-10) over the wireless packet network (Haoui et al. Fig. 2).

Initially, Applicants appreciate recognition by the Office that the prior art does not teach “the data is transmitted redundantly over two or more successive transmissions.”

The Office asserts that all of claims 80-85 are taught by the “CRC” and “FEC” of Haoui disclosed at col. 7, line 65 to col. 8, line 14 and “interleaving over two time slots” as discloses at col. 8, lines 7-10 and FIG. 2. Applicants respectfully disagree. Applicants now review the cited portions of Haoui, beginning with col. 7, line 65 to col. 8, line 14, which states:

The radio FEC encoder 130 employ three mechanisms, in accordance with the PDC Standard, to mitigate speech channel errors. First, a 9/17 convolutional coder 131 protects the more vulnerable class 1 bits 132 of the speech coder data stream 133. In the subscriber unit 60, the data stream is provided by the speech coder 64. In the base station 80, the data stream is provided by the wire FEC 90. Second, a cyclic redundancy check (CRC) circuit 140 computes a CRC code 142 over the most perceptually significant class 1 bits 135 of the speech coder data stream. Third, an interleaver 134 interleaves the code class 1 data 136 plus the class 2 data 138 for each speech coder frame over two time slots to mitigate the effects of Rayleigh fading. As explained more fully below, error correction is applied at a decoder portion 146 of a receiving radio FEC, and the CRC bits are checked to determine whether the most perceptually significant bits were received properly.

Applicants respectfully submit that neither the cited portions reproduced above, nor any other figure or text of Haoui makes any mention of “redundant” transmission of data. Further, Applicants respectfully submit that the Office has not shown that any authority provides any support for the assertion by the Office that use of a “CRC (cyclic redundancy check),” “FEC (forward error correction [code]),” or “interleaving” teaches, suggests, or discloses “redundant transmission” of data, as claimed.

Applicants respectfully submit that neither a “CRC” nor an “FEC” are redundant transmission of “data” but are, instead, information derived from data to be transmitted, which is transmitted along with the “data” from which they are derived. According to the Microsoft Press Computer Dictionary (© 1991, Microsoft Press, page 87), a “CRC” is the result of “a complex calculation” used to “generate a number based on the data transmitted.” Thus, a “CRC” is not the “data” and therefore does not represent a “redundant” transmission of the “data.” Similarly, an “FEC” is also not the “data” being transmitted and, therefore, transmitting an “FEC” does not teach, suggest, or disclose where “data is transmitted redundantly,” in accordance with amended claim 22.

In addition, Applicants respectfully submit that “interleaving” does not inherently result in “data” being “transmitted redundantly,” in accordance with amended claim 22. The Office has failed to provide citation to any authority that shows that “interleaving” teaches, explicitly or inherently, “redundant transmission” of data. Applicants respectfully submit that according to Newton’s Telecom Dictionary – 14<sup>th</sup> Ed., © 1998, page 373, “interleaving” is defined as:

2. A data communication technique, used in conjunction with error correcting codes, to reduce the number of undetected error bursts. In the interleaving process, code symbols are reordered before transmission in such a manner that any two successive code symbols are separated by I-1 symbols in the transmitted sequence, where I is called the degree of interleaving. Upon reception, the interleaved code symbols are reordered into their original sequence, thus effectively spreading or randomizing the errors (in time) to enable more complete correction by a random-error correcting code.

Thus, “interleaving” merely intermixes symbols from one portion or block of data with those of another portion or block of data according to a known and reversible algorithm, to improve performance of an error detection/correction mechanism by spreading the undesirable effects of interference on a communication path. Applicants respectfully submit that “interleaving” does not result, in and of itself, in “redundant transmission” of data. **If the Office disagrees with the above, Applicants respectfully request that the Office demonstrate how the above is in error, by**



**citing to authority by specifying reference number and figure, column and line, or paragraph, along with a detailed explanation of how the cited materials are being interpreted and why.**

Therefore, for at least the reasons set forth above, Applicants respectfully submit that Haoui does not remedy the admitted deficiencies of Hoppal and Kudo, that the propose combination of references does not teach, suggest, or disclose all features now recited by claim 22, that amended claim 22 is not rendered unpatentable by the cited art, and that amended claim 22 is allowable over the proposed combination of Hoppal and Kudo, with or without Haoui.

**With regard to independent claims 45 and 54**, Applicants respectfully submit that claims 45 and 54 now recite features of claims 82 and 84 similar to those of claim 80 now recited by amended claim 22, and that claims 82 and 84 were rejected over the same art for the same reasons as claim 80. Therefore, Applicants respectfully submit that amended claims 45 and 54 are also allowable over the cited art for at least the reasons set forth above.

Based at least upon the above, Applicants respectfully submit that the combination of art proposed by the Office does not support a *prima facie* case of obviousness, as required by M.P.E.P. §2142, that the cited art does not render claims 22, 45, and 54 unpatentable, and that claims 22, 45, and 54, and any claims that depend therefrom, are allowable over the proposed combination of Hoppal and Kudo, with or without Haoui. Accordingly, Applicants respectfully request that the rejection of claims 22, 45, and 54 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

**II. The Proposed Combination Of Hoppal, Kudo, And Bertland Does Not Render Claims 23, 24, 26, 30, 41, 49, 55, 56, 59, And 70 Unpatentable**

Claims 23, 24, 26, 30, 41, 49, 55, 56, 59, and 70 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hoppal in view of Kudo, and further in view of Bertland. Applicants respectfully traverse the rejection. Initially, Applicants respectfully submit that claims 23, 24, 26, 30, 41, and 74, claim 49, and claims 55, 56, 59, and 70 depend, respectively, from claims 22, 45, and 54. Applicants respectfully submit that

claims 22, 45, and 54 are allowable over the cited art, in that the Office has not asserted that Bertland remedies the shortcomings of Hoppal and Kudo demonstrated above. Because claims 22, 45, and 54 are allowable over the proposed combination of references, Applicants respectfully submit that claims 23, 24, 26, 30, 41, 49, 55, 56, 59, and 70 that depend therefrom are also allowable, for at least the same reasons. Applicants respectfully submit that at least claims 41-43 and 70-72 are allowable for additional reasons.

**With further regard to claims 41 and 70**, the Office again rejects claims 41 and 70 over only Kudo and only at col. 3, lines 1-4, stating, at page 6 of the instant Office action, "Re claim 41 (from claim 22) and claim 70 (from claim 54), Kudo further teaches that the minimum period of time is 40 ms or more, thus constituting approximately 200 milliseconds (Kudo et al. c3 1-4)." See August 3, 2009 Office action at page 5. Applicants have previously addressed this repeated rejection, have demonstrated that the cited art does not teach what is asserted, and will not repeat the substance of that response again here, but hereby incorporate the prior response herein as though set forth in full. See November 3, 2009 Response at pages 19-20. The instant Office action fails to even address Applicants' prior traversal of the rejection of claims 41 and 70, ignoring M.P.E.P. §707.07(f). Instead, the Office merely repeats the rejection. In addition, Applicants again note that the Office has offered only a conclusory statement, and has not provided the required "explicit analysis" or any reasoned articulation, as required by M.P.E.P. §2142. Applicants respectfully submit that the Office has not even responded let alone overcome Applicants' arguments regarding claims 40 and 71, and that claims 40 and 71 are independently allowable over the cited art for at least the reasons set forth above and those presented during prosecution.

Based at least upon the above, Applicants respectfully submit that claims 23, 24, 26, 30, 41, 49, 55, 56, 59, and 70 are allowable at least for the reason that they are dependent from allowable claims 22, 45, and 54. In addition, Applicants respectfully submit that Applicants have shown that claims 41 and 70 are independently allowable over the cited art. Accordingly, Applicants respectfully request that the rejection of claims 23, 24, 26, 30, 41, 49, 55, 56, 59, and 70 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

### **III. The Proposed Combination Of Hoppal, Kudo, And Hayata Does Not Render Claims 42-44 And 71-73 Unpatentable**

Claims 42-44 and 71-73 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hoppal in view of Kudo, and further in view of Hayata. Applicants respectfully traverse the rejection. Applicants respectfully submit that claims 42-44 and 71-73 depend directly or indirectly from independent claims 22 and 54, respectively. Applicants further respectfully submit that claims 22 and 54 are allowable over the cited art, in that the Office has not asserted that Hayata remedies the shortcomings of Hoppal and Kudo demonstrated above. Because claims 22 and 54 are allowable over the proposed combination of references, Applicants respectfully submit that claims 42-44 and 71-73 that depend therefrom are also allowable, for at least the same reasons. Accordingly, Applicants respectfully request that the rejection of claims 42-44 and 71-73 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

### **IV. The Proposed Combination Of Hoppal, Kudo, Bertland, And Dinkins Does Not Render Claims 25, 31, 32, 36, 47, 48, 50, 60, 61, And 65 Unpatentable**

Claims 25, 31, 32, 36, 47, 48, 50, 60, 61, and 65 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hoppal in view of Kudo and Bertland, and further in view of Dinkins. Applicants respectfully traverse the rejection. Applicants respectfully submit that claims 25, 31, 32, and 36, claims 47, 48, and 50, and claims 60, 61, and 65 depend directly or indirectly from independent claims 22, 45, and 54, respectively. Applicants respectfully submit that claims 22, 45, and 54 are allowable over the cited art, in that the Office has not asserted that the Bertland and Dinkins references, taken alone or in combination, remedy the shortcomings of Hoppal and Kudo demonstrated above. Because claims 22, 45, and 54 are allowable over the proposed combination of references, Applicants respectfully submit that claims 25, 31, 32, 36, 47, 48, 50, 60, 61, and 65 that depend therefrom are also allowable, for at least the same reasons. Accordingly, Applicants respectfully request that the rejection of claims 25, 31, 32, 36, 47, 48, 50, 60, 61, and 65 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

## **V. The Proposed Combination Of Hoppal, Kudo, And Bergman Does not Render Claims 27, 28, 57, And 58 Unpatentable**

Claims 27, 28, 57, and 58 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hoppal in view of Kudo, in further view of Bergman. Applicants respectfully traverse the rejection. Applicants respectfully submit that claims 27 and 28 and claims 57 and 58 depend directly or indirectly from independent claims 22 and 54, respectively. Applicants respectfully submit that claims 22 and 54 are allowable over the cited art, in that the Office has not asserted that Bergman remedies the shortcomings of Hoppal and Kudo demonstrated above. Because claims 22 and 54 are allowable over the proposed combination of references, Applicants respectfully submit that claims 27, 28, 57, and 58 that depend therefrom are also allowable, for at least the same reasons. Applicants respectfully submit that claims 27, 28, 57, and 58 are allowable for at least an additional reason.

**With regard to claims 27 and 28** Applicants respectfully submit that claim 27 recites, "[t]he phone of claim 22 wherein the at least one processor buffers incoming digital voice data for an adjustable amount of time to avoid the occurrence of a gap in the second voice stream." Claim 28 recites additional detail, namely, "[t]he phone of claim 27 wherein the adjustable amount of time is based upon a propagation delay." Claims 57 and 58 recite similar features. The Office rejects claims 27 and 28 relying upon Bergman at FIG. 4, and col. 6, lines 29-32 and 33-41 to remedy the admitted deficiencies of Hoppal and Kudo. Applicants respectfully submit that Bergman does not teach all of the admittedly missing aspects of claims 27 and 28.

Applicants respectfully submit that Bergman at cited col. 6, lines 29-32 and col. 6, lines 33-41 state:

...FIFO receiving elastic buffer 26. The packets 24 can then be removed from the buffer 26 in a continuous stream without gaps therebetween so as to "reconstruct" the original continuous communication.

The size of the buffers 22, 26 is derived from the maximum access period on the network, or in the case of a token ring, the station scan time under 100% load - in this case about 3 ms for a 9-station, 1-km ring with 2 Kbyte

packets operating at 80 Mbit/s. If voice I/O rate is 1.544 Mbit/s (T1), then a minimum of 4.5K bits would be required. Additional buffer capacity may be desirable for extra system margin in the event of node I/O congestion.

Applicants respectfully submit that, although Bergman teaches “buffer 26” that contains “packets 24,” neither the cited portion of Bergman at col. 6, lines 29-32, nor the disclosure at lines 33-41 teaches that the time the “packets 24” are in the “buffer 26” is adjustable, in accordance with claims 27 and 57 (i.e., “buffers incoming digital voice data for an adjustable amount of time”). It is simply not there. Bergman at FIG. 4 also fails to teach, suggest, or disclose anything buffering for “an adjustable amount of time.” Further, the Office does not assert that any other cited art teaches at least this aspect of claim 27 missing from Hoppal, Kudo and Bergman.

In addition, Applicants’ claim 28 recites “wherein the adjustable amount of time is based upon a propagation delay.” The relevant portion of Bergman, however, teaches nothing about a “propagation delay,” and instead states that “[t]he size of the buffers 22, 26 is derived from the maximum access period on the network, or in the case of a token ring, the station scan time under 100% load.” Thus, Bergman teaches that buffer size, not buffer time, is derived from “maximum access period” or “station scan time.” Applicants respectfully submit that the Office has failed to set forth any evidentiary support for the suggestion that “maximum access period” or “station scan time” teaches, suggests, or discloses a “propagation delay.” Further, the Office has not shown that an “adjustable amount of time” is based on “propagation delay,” as more fully recited by claims 27 and 28. The Office has failed to provide the “explicit analysis” required by M.P.E.P. §2142 to explain how the cited portions of Bergman are being interpreted as teaching Applicants’ claims 27 and 28. Applicants respectfully submit that “maximum access period” and “scan time” are not defined by Bergman as “propagation delay.” Indeed, those two terms appear only in the cited portion of Bergman at col. 6, lines 33-41, without any suggestion that either represent a “propagation delay,” as claimed.

Therefore, Applicants respectfully submit that the Office has not shown that Bergman, or any other cited art, taken alone or in any combination, teaches, suggests, or discloses all aspects of claims 27 and/or 28, that claims 27 and 28 are not

rendered unpatentable by the cited art, and that claims 27 and 28 are independently allowable over the proposed combination of Hoppal, Kudo, and Bergman. Applicants respectfully submit that claims 57 and 58 recite similar features and were rejected over the same cited art, are therefore also allowable, for at least the same reasons.

Accordingly, Applicants respectfully request that the rejection of claims 27, 28, 57, and 58 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

#### **VI. The Proposed Combination Of Hoppal, Kudo, Bergman, And Drynan Does Not Render Claim 29 Unpatentable**

Claim 29 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Hoppal, Kudo, and Bergman, in further view of Drynan. Applicants respectfully traverse the rejection. Applicants respectfully submit that claim 29 depends indirectly from independent claims 22. Applicants respectfully submit that claim 22 is allowable over the cited art, in that the Office has not asserted that the Bergman and Drynan references, taken alone or in combination remedy the shortcomings of Hoppal and Kudo demonstrated above. Because claim 22 is allowable over the proposed combination of references, Applicants respectfully submit that claim 29 that depends therefrom is also allowable, for at least the same reasons. Accordingly, Applicants respectfully request that the rejection of claim 29 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

#### **VII. The Proposed Combination Of Hoppal, Kudo, And Averbuch Does Not Render Claims 34, 35, 63, And 64 Unpatentable**

Claims 34, 35, 63, and 64 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hoppal in view of Kudo, and further in view of Averbuch (US 5,268,933). Applicants respectfully traverse the rejection. Applicants respectfully submit that claims 34 and 35 and claims 63 and 64 depend directly or indirectly from independent claims 22 and 54, respectively. Applicants respectfully submit that claims 22 and 54 are allowable over the cited art, in that the Office has failed to assert that any teachings of Averbuch remedy the shortcomings of Hoppal and Kudo demonstrated above. Because claims 22 and 54 are allowable over the proposed combination of references, Applicants respectfully submit that claims 34, 35, 63, and 64 that depend

therefrom are also allowable, for at least the same reasons. Accordingly, Applicants respectfully request that the rejection of claims 34, 35, 63, and 64 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

#### **VIII. The Proposed Combination Of Hoppal, Kudo, And Smith Does Not Render Claims 33, 46, And, 62 Unpatentable**

Claims 33, 46, and 62 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hoppal in view of Kudo, and further in view of Smith. Applicants respectfully traverse the rejection. Applicants respectfully submit that claims 33, 46, and 62 depend from independent claims 22, 45, and 54, respectively. Applicants respectfully submit that claims 22, 45, and 54 are allowable over the cited art, in that the Office has not asserted that Smith remedies the shortcomings of Hoppal and Kudo demonstrated above. Because claims 22, 45, and 54 are allowable over the proposed combination of references, Applicants respectfully submit that claims 33, 46, and 62 that depend therefrom are also allowable, for at least the same reasons. Accordingly, Applicants respectfully request that the rejection of claims 33, 46, and 62 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

#### **IX. The Proposed Combination Of Hoppal, Kudo, And Stein Does Not Render Claims 37-39, 51-53, And 66-68 Unpatentable**

Claims 37-39, 51-53, and 66-68 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hoppal in view of Kudo, and further in view of Stein. Applicants respectfully traverse the rejection. Applicants respectfully submit that claims 37-39, 51-53, and 66-68 depend directly or indirectly from independent claims 22, 45, and 54, respectively. Applicants respectfully submit that claims 22, 45, and 54 are allowable over the cited art, in that the Office has not asserted that Stein remedies the shortcomings of Hoppal and Kudo demonstrated above. Because claims 22, 45, and 54 are allowable over the proposed combination of references, Applicants respectfully submit that claims 37-39, 51-53, and 66-68 that depend therefrom are also allowable, for at least the same reasons. Accordingly, Applicants respectfully request that the

rejection of claims 3739, 51-53, and 66-68 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

#### **X. The Proposed Combination Of Hoppal, Kudo, And Li Does Not Render Claims 74-79 Unpatentable**

Claims 74-79 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hoppal in view of Kudo, as applied to claims 22, 45, and 54, and further in view of Li. Applicants respectfully traverse the rejection. Applicants respectfully submit that claims 22, 45, and 54 are allowable over the cited art, for at least the reason that the Office has not asserted that Li remedies the shortcomings of Hoppal and Kudo demonstrated above. Because claims 22, 45, and 54 are allowable over the proposed combination of references, Applicants respectfully submit that claims 74 and 77, 75 and 78, and 76 and-79 that depend, respectively, therefrom are also allowable, for at least the same reasons. Applicants believe that claims 77-79 are allowable for at least an additional reason.

**With respect to claims 77, 78, and 79**, Applicants respectfully submit that claim 77 recites, in part, “wherein the phone adjusts the amount of digital voice data packetized and transmitted over the wireless network, in accordance with a predetermined voice threshold.” Claims 78 and 79 recite similar features. The Office rejects claim 77 citing only Li and only at col. 25, line 65 to col. 26, line 4 as teaching this aspect of Applicants’ claim. Applicants reproduce the cited portion of Li, below:

If the power PWR is lower than a preselected threshold, then the present voice frame is flagged as containing silence (See Table 15). The 160-sample silent frame is still processed by the voice compression algorithm; however, the silent frame packets are discarded by the main controller circuit 313 so that digital data maybe transferred in lieu of voice data.

(emphasis added)

As can be seen above, Li is clear that “the 160-sample silent frame” is still processed by the “voice compression algorithm,” and that the “silent frame **packets**” are discarded. Therefore, Applicants respectfully submit that Li teaches **packetizing**



without regard to “power PWR,” and thus does not “adjust the amount of digital voice data **packetized** ... in accordance with a predetermined voice threshold,” in accordance with Applicants’ claim 77. The Office does not assert that any of the remaining cited art teaches, suggests, or discloses this aspect of claims 77-79. For at least these additional reasons, Applicants respectfully submit that neither Li nor any combination of cited art teaches, suggests, or discloses Applicants’ claim 77, or claims 78 and 79 which recite similar limitations, and that claims 77-79 are independently allowable over the cited art.

Therefore, for at least the reasons set forth above, Applicants respectfully submits that the Office has not established a *prima facie* case of obviousness with respect to claims 77-79, that claims 77-79 are allowable over the cited art, and respectfully request that the rejection of claims 74-79 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

#### **XI. The Proposed Combination Of Hoppal, Kudo, And Haoui Does Not Render Claims 80-85 Unpatentable**

Claims 80-85 stand rejected under 35 U.S.C. §103(a) over Hoppal and Kudo, in further view of Haoui. As shown above, claims 80, 82, and 84 are cancelled by this response. Applicants respectfully traverse the rejection of claims 81, 83 and 85.

**With regard to claims 81, 83, and 85**, Applicants respectfully submit that claims 81, 83, and 85 now depend, respectively, from independent claims 22, 45, and 54. Applicants respectfully submit that claims 22, 45, and 54 are allowable over the proposed combination of art for at least the reasons set forth above with respect to amended claim 22. Because claims 22, 45, and 54 are allowable over the proposed combination of Hoppal, Kudo, and Haoui, Applicants respectfully submit that claims 81, 83, and 85 that depend therefrom are also allowable over the cite art, for at least the same reasons. Therefore, for at least these reasons, Applicants respectfully request that the rejection of claims 80-85 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

### **Conclusion**

In general, the Office Action makes various statements regarding the claims and the cited references that are now moot in light of the above. Thus, Applicants will not address such statements at the present time. However, Applicants expressly reserve the right to challenge such statements in the future should the need arise (e.g., if such statements should become relevant by appearing in a rejection of any current or future claim).

Applicants respectfully submit that the claims of the present application should be in condition for allowance for at least the reasons discussed above. Allowance of claims 22-39, 41-68, and 70-79, 81, 83, and 85-88 is respectfully requested. If the Examiner has any questions or Applicants can be of any assistance, the Examiner is invited to contact the undersigned.

The Commissioner is hereby authorized to any fees required by this submission, or to credit any overpayment, to the Deposit Account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Respectfully submitted,

Dated: August 6, 2010  
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